# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA GREENVILLE DIVISION

Walter Krantz,	) <b>Case No.:</b> 6:09-01623-HFF
Plaintiffs,	) )
v.  KLI, Inc. f/k/a Keller Ladders, Inc. f/k/a KUA Corp., f/k/a Keller Industries, Inc.; and Keller Industries, Inc.	PLAINTIFFS RESPONSES TO LOCAL RULE 26.03 ) )
Defendants.	)

Plaintiff, pursuant to Fed.R.Civ.P.26(f), and Local Civil Rule 26.03 submits the following information.

### A. <u>Information Provided Pursuant To Local Civil Rule 26.03 DSC.</u>

1. Statement of Facts. On January 4, 2007, Walter Krantz was working at the residence of Jeff Bomer located at 326 N. Valley View Drive, Taylors, South Carolina. The Bomers requested Mr. Krantz to look at a problem on their roof. He used the Bomer's extension ladder which was a 32 foot aluminum extension ladder designed, manufactured, and sold by the Defendants KLI and Keller Industries, Inc. After using the ladder to access the roof and inspect the problem, Krantz called to a fellow worker to hold the ladder so he could descend from the roof. As he waited for assistance he placed his hand on the top of the ladder which extended above the roof line. Suddenly, and without warning, the ladder malfunctioned by the extension portion retracting or telescoping down. This caused Krantz to lose his balance, fall from the roof, strike the ground and sustain multiple bilateral leg fractures.

2. Fact Witnesses Who May Be Called. The following individuals may have

personal knowledge of the issues involved in this case:

a. Walter Krantz312 Watson RoadTaylors, South Carolina 29687864.430.3335

The Plaintiff will testify concerning ladder, the facts of his fall, and the seriousness of his injuries.

Witnesses b through g will testify concerning facts of the Plaintiff's fall, condition and actions of the ladder, and the seriousness of the Plaintiff's injuries.

- b. Harper Krantz 111 Clarendon Street Clemson, South Carolina 803.767.8692
- c. Reo Hoots, Jr.
  1006 Turning Leaf Circle
  Boiling Springs, South Carolina 29316
  864.270.9181
- d. Mr. and Mrs. Jeff Bomer326 N. Valley View DriveTaylors, South Carolina 29687
- e. Randy Phillips
  324 N. Valley View Drive
  Taylors, South Carolina 29687

## 3. Expert Witnesses Likely to Be Offered.

a. John S. Morse, PE Post Office Box 370 Westville, OK 74965

John Morse will testify as an expert concerning the defective condition and unreasonably dangerous nature of the ladder being used by the Plaintiff at the time of his injury.

The following physicians (b through f) will testify concerning the Plaintiff's injuries

#### and treatment:

- b. Benjamin Shay Koch, MD
   Greenville Memorial Physician
   701 Grove Road
   Greenville, South Carolina 29605
- c. Dr. Matthew L. Hummell
  Dr. Kyle J. Jeray
  Dr. Timothy McHenry
  Dr. David R. Goetz
  Univ. Medical Group Orthopaedics
  Greenville, South Carolina
- d. Dr. Coleman D. Fowble
  Dr. David Redmond
  Midlands Orthopaedics
  Columbia, South Carolina
- e. Dr. David Lee Carolina Orthopaedics & Sports Medicine Columbia, South Carolina
- f. Dr. Steadman Hawkins Spartanburg, South Carolina
- g. The Plaintiff will retain the services of a life care planner and an economist to testify concerning the Plaintiff's past and future economic needs.

### 4. **Summary of Claims.**

The Plaintiff has filed three separate causes of action: 1) Negligence; 2) Strict Liability; and 3) Breach of Warranty.

## 5. The parties received directions from the Court.

A proposed revised scheduling Order has been submitted.

### 6. **Limitations on Discovery:**

Plaintiff does not at this time know of any special circumstances which would affect the time frames of discovery in this matter.

Respectfully submitted,

s/Douglas F. Patrick

Douglas F. Patrick (I.D. #300) Covington, Patrick, Hagins, Stern & Lewis, P.A. P. O. Box 2343 Greenville, SC 29602 (864) 242-9000

s/John D. Kassel

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December 7, 2009 Greenville, South Carolina